

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CENTRAL STATES, SOUTHEAST AND  
SOUTHWEST AREAS PENSION FUND,  
and HOWARD McDOUGALL, trustee,

and

CENTRAL STATES, SOUTHEAST AND  
SOUTHWEST AREAS HEALTH AND  
WELFARE FUND and HOWARD  
McDOUGALL, trustee,

Plaintiffs,

-vs-

ACTIVE TRANSPORTATION COMPANY,  
LLC, a Kentucky limited liability corporation,

Defendant.

Case No. 08 C 228

Honorable  
District Judge Darrah

**NOTICE OF MOTION**

TO: Active Transportation Company, LLC  
c/o Brent Souter, CFO  
2900 South Davis Blvd.  
Joplin, Missouri 64804

PLEASE TAKE NOTICE that on January 15, 2008, at the hour of 10:00 a.m., or as soon thereafter as counsel may be heard, the Plaintiffs' attorney will appear before the Honorable John W. Darrah, District Judge of the United States District Court for the

Northern District of Illinois, located at 219 South Dearborn Street, Courtroom 1203, Chicago, Illinois, or such other Judge as may be in his stead, and present the attached Plaintiffs' Motion for Preliminary Injunction.

Respectfully submitted,

/s/ Rebecca K. McMahon

Rebecca K. McMahon  
Attorney for Plaintiffs  
Central States, Southeast and Southwest  
Areas Health and Welfare and Pension  
Funds  
9377 West Higgins Road  
Rosemont, Illinois 60018-4938  
847/518-9800, Ext. 3441  
ARDC #06290192

January 14, 2008

**CERTIFICATE OF SERVICE**

I, Rebecca K. McMahon, one of the attorneys for Plaintiffs Central States, Southeast and Southwest Areas Pension Fund and Central States, Southeast and Southwest Areas Health and Welfare and Pension Funds, certify that on the 14th day of January, 2008, I caused the foregoing Plaintiffs' Motion for Preliminary Injunction to be filed electronically. This filing was served on all parties indicated on the electronic filing receipt via the Court's electronic filing system. For all other parties, who are listed below, I served the foregoing Notice of Motion and Motion by mailing via UPS Next Day Air (#1Z 395 1X9 22 1007 2015) and faxing said documents to:

Active Transportation Company, LLC  
c/o Brent Souter, CFO  
2900 South Davis Blvd.  
Joplin, Missouri 64804  
Fax (417)782-4465

Said documents were faxed and deposited in the United States Mail at 9377 West Higgins Road, Rosemont, Illinois, 60018-4938, with proper prepaid postage affixed thereto, this 14th day of January, 2008.

/s/ Rebecca K. McMahon  
Rebecca K. McMahon  
One of Central States' Attorneys